



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,156	12/31/2001	Reem Safadi	GIC-659	9344

20028 7590 07/11/2005

Lipsitz & McAllister, LLC  
755 MAIN STREET  
MONROE, CT 06468

EXAMINER
----------

CANGIALOSI, SALVATORE A

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/039,156

**Applicant(s)**

SAFADI, REEM

**Examiner**

Salvatore Cangialosi

**Art Unit**

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

Art Unit: 3621

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-38 are rejected under 35 U.S.C. § 103 as being unpatentable over Ginter et al(5910987) in view of Lai et al(6593860).

Regarding claim 1, Ginter et al(Intertrust)(See Figs. 2,2A,35, 77 and 79 , Cols. 9 and 10) disclose a method for digital rights management including a virtual distribution environment where content is obtained from a plurality of content creators by a rights distributor , modified and changed therein to be in usable format by a content user substantially as claimed. The differences between the above and the claimed invention is the use of a specific format changes. It is noted that the content user must be able to use the digital content in a format compatible with the user equipment which would be

Art Unit: 3621

functionally equivalent to the claim limitations. Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding of stored content to match the format employed by the user. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ginter et al because the plurality of content sources is made compatible with the user format through the rights distributor. Regarding the transcoding limitations of claim 2, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding of stored content to match the format employed by the user which are conventional functional equivalents of the claim limitations. Regarding network limitations of claim 3, Ginter et al (Intertrust) (See Figs. 2, 2A, 35, 77 and 79 , Cols. 9 and 10) disclose a method for digital rights management including a virtual distribution environment where content is obtained from a plurality of content creators by a rights distributor , modified and changed therein to be in usable format by a content user over different networks which is a conventional functional equivalent of the claim limitations. Regarding encryption limitations of claim 4, Ginter et al (Intertrust) (See elements 522 and 556) disclose a method for digital rights management including encryption that is conventional functional equivalent of the claim limitations. Regarding the content limitations of claim 5, Lai et al (See abstract, Figs. 1, 5B, 6, Col. 1 , lines 45-50, Col. 3, lines 1-25) show the transcoding of streaming

Art Unit: 3621

media that are conventional functional equivalents of the claim limitations. Regarding receiver limitations of claim 6, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding for a multiplicity of receiving means (Col. 7, lines 15-50) that is conventional functional equivalent of the claim limitations. Regarding copy protection limitations of claim 7, Ginter et al (Intertrust) (See elements 522 and 556) disclose a method for digital rights management including encryption that is conventional functional equivalent of the claim limitations. Regarding the format limitations of claim 8, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding in all types of form including XML (Col. 23, lines 10-15) which is a conventional functional equivalent of the claim limitation. Regarding video limitations of claim 9, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding for a video receiving means (Col. 7, lines 15-50) that is the conventional functional equivalent of the claim limitations. Regarding video limitations of claim 10, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding for a video on demand receiving means (Col. 7, lines 15-50) that is the conventional functional equivalent of the claim limitations. Regarding copy protection limitations of claim 11, Ginter et al (Intertrust) (See elements 522 and 556) disclose a method for digital rights management including

Art Unit: 3621

encryption that is conventional functional equivalent of the claim limitations. Regarding tracking limitations of claim 12, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 11, lines 25-30) show tracking of usage statistics by a proxy server or Ginter et al(element 116a) show a financial clearing house that tracks for billing that is conventional functional equivalent of the claim limitations. Regarding video limitations of claim 13, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding for a video on demand receiving means(Col. 7, lines 15-50) that is conventional functional equivalent of the claim limitations. Regarding fee limitations of claim 14, Ginter et al(element 116a) show a financial clearing house that tracks for billing that is conventional functional equivalent of the claim limitations. Regarding consumer limitations of claims 15-18, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding for a multiplicity of consumer receiving means(Col. 7, lines 15-50) and media players that is conventional functional equivalent of the claim limitations. Regarding protection limitations of claim 19, Ginter et al(Intertrust)(See elements 522 and 556) disclose a method for digital rights management including encryption that is conventional functional equivalent of the claim limitations. Regarding claim 20, Ginter et al(Intertrust)(See Figs. 2,2A,35, 77 and 79 , Cols. 9 and 10) disclose a means for digital rights management including a

Art Unit: 3621

virtual distribution environment where content is obtained from a plurality of content creators by a rights distributor , modified and changed therein to be in usable format by a content user substantially as claimed. The differences between the above and the claimed invention is the use of a specific format changes. It is noted that the content user must be able to use the digital content in a format compatible with the user equipment which would be functionally equivalent to the claim limitations. Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding of stored content to match the format employed by the user. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ginter et al because the plurality of content sources is made compatible with the user format through the rights distributor. Regarding the transcoding limitations of claim 21, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding of stored content to match the format employed by the user which are conventional functional equivalents of the claim limitations. Regarding network limitations of claim 22, Ginter et al (Intertrust) (See Figs. 2, 2A, 35, 77 and 79 , Cols. 9 and 10) disclose a method for digital rights management including a virtual distribution environment where content is obtained from a plurality of content creators by a rights distributor , modified and changed therein to be in usable format by a content user over different networks

Art Unit: 3621

which is a conventional functional equivalent of the claim limitations. Regarding encryption limitations of claim 23, Ginter et al (Intertrust) (See elements 522 and 556) disclose a method for digital rights management including encryption that is conventional functional equivalent of the claim limitations. Regarding the content limitations of claim 24, Lai et al (See abstract, Figs. 1, 5B, 6, Col. 1, lines 45-50, Col. 3, lines 1-25) show the transcoding of streaming media that are conventional functional equivalents of the claim limitations. Regarding receiver limitations of claim 25, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding for a multiplicity of receiving means (Col. 7, lines 15-50) that is conventional functional equivalent of the claim limitations. Regarding copy protection limitations of claim 26, Ginter et al (Intertrust) (See elements 522 and 556) disclose a method for digital rights management including encryption that is conventional functional equivalent of the claim limitations. Regarding the format limitations of claim 27, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding in all types of form including XML (Col. 23, lines 10-15) which is a conventional functional equivalent of the claim limitation. Regarding video limitations of claim 28, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding for a video receiving means (Col. 7, lines 15-50) that is the conventional functional equivalent of the



Art Unit: 3621

claim limitations. Regarding video limitations of claim 29, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding for a video on demand receiving means(Col. 7, lines 15-50) that is the conventional functional equivalent of the claim limitations. Regarding copy protection limitations of claim 30, Ginter et al(Intertrust)(See elements 522 and 556) disclose a method for digital rights management including encryption that is conventional functional equivalent of the claim limitations. Regarding tracking limitations of claim 31, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 11, lines 25-30) show tracking of usage statistics by a proxy server or Ginter et al(element 116a) show a financial clearing house that tracks for billing that is conventional functional equivalent of the claim limitations. Regarding video limitations of claim 32, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding for a video on demand receiving means(Col. 7, lines 15-50) that is conventional functional equivalent of the claim limitations. Regarding fee limitations of claim 33, Ginter et al(element 116a) show a financial clearing house that tracks for billing that is conventional functional equivalent of the claim limitations. Regarding consumer limitations of claims 34-37, Lai et al (See abstract, Figs. 1, 5B, 6, Cols 1 and 2, Col. 3, lines 1-25) show the transcoding for a multiplicity of consumer receiving means(Col. 7, lines 15-50) and media players that is conventional

Art Unit: 3621

functional equivalent of the claim limitations. Regarding protection limitations of claim 38, Ginter et al (Intertrust) (See elements 522 and 556) disclose a method for digital rights management including encryption that is conventional functional equivalent of the claim limitations.

**Examiner's Note:** Although Examiner has cited particular columns, line numbers and figures in the references as applied to the claims above for the convenience of the applicant(s), the specified citations are merely representative of the teaching of the prior art that are applied to specific limitations within the individual claim and other passages and figures may apply as well. It is respectfully requested that the applicant(s), in preparing the response, fully consider the items of evidence in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Applicants arguments dated 05/12/2005 have been considered but are not persuasive. The argument relies on a specific meaning of scheme. Whenever Ginter et al adds or changes rights, he changes the management *scheme*. When Ginter et al changes the rights management so that it can work on a user device, he changes the management *scheme*. *Within the plain meaning of scheme, Ginter et al changes its scheme dependent on user and source.*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the

Serial Number: 10/039,156

10

Art Unit: 3621

extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action.

In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number **(571) 272-6927**. The examiner can normally be reached 6:30 Am to 5:00 PM, Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at **(571) 272-6712**.

**Any response to this action should be mailed to:**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Serial Number: 10/039,156

11


Art Unit: 3621

or faxed to (703)872-9306

Hand delivered responses should be brought to

United States Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
SALVATORE CANGIALOSI  
PRIMARY EXAMINER  
ART UNIT 222